

**CITY OF WEST ALLIS
RESOLUTION R-2021-0400**

**RESOLUTION RELATIVE TO DETERMINATION OF AN APPLICATION FOR A
SPECIAL USE PERMIT FOR COBALT PARTNERS PARKING LOT, A PROPOSED
PARKING LOT, TO BE LOCATED AT 23** S. 102 ST.**

WHEREAS, Cobalt Partners, LLC, filed with the City Clerk an application for a Special Use Permit, pursuant to Sec., 12.43(2) and Sec. 12.16 of the Revised Municipal Code, to construct a parking lot, to be located at 23** S. 102 St.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on July 13, 2021, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Cobalt Partners, LLC, will construct a parking lot for parking private passenger vehicles for shared use within adjacent office and medical clinic/office uses. The parking lot will be situated upon a 1-acre parcel of land on the east side of S. 102 St. and feature site and landscaping and stormwater management improvements.

All the land of the owner located in the Northwest $\frac{1}{4}$ of Section 8, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of the Northwest $\frac{1}{4}$ of said Section 8; thence Westerly, 512.22 feet, along the North line of said Northwest $\frac{1}{4}$; thence Southerly, 585.00 feet to the Point of Beginning; thence continue Southerly, 67.33 feet; thence Southwesterly, 20.20 feet; thence Westerly, 553.15 feet, to the East right-of-way line of South 102nd Street; thence Northeasterly, 18.43 feet, along the said right-of-way line to a point; thence Northeasterly, 89.89 feet, along the said right-of-way line; thence Easterly, 497.69 feet, to the Point of Beginning.

Tax Key No. 485-9996-014, undeveloped lot at 23** South 102nd Street

2. The proposed parking lot will provide parking for approximately 53 vehicles and will feature cross access for shared use with adjacent office and medical clinic/office uses.

3. The aforesaid premises is zoned C-4 Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits private parking lots for passenger vehicles as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.

4. The subject property is part of a block along the north side of W. National Ave. between S. 102 St. and Interstate 894, which is zoned and developed for commercial uses. Properties to the south, west and north are zoned and developed for commercial use. Property to the east is developed as freeway/I-894.

5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of Cobalt Partners, LLC, to construct a parking lot for parking private passenger vehicles for shared use within adjacent office and medical clinic/office uses, be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Section 12.16 of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

1. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on June 23, 2021, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.

2. Building Plans and Fire Codes. The grant of this special use is subject to building permit plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services.

3. Off-Street Parking. Fifty-three (53) off-street parking spaces are proposed inclusive of two (2) ADA parking spaces.

4. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be enclosed in accordance with the approved site plan.

5. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.

6. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated downward and/or shielded in such a manner that no light splays from the property boundaries.

7. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:

A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.

B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;

C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

8. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

9. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.

10. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.

11. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.



Agent for Cobalt Partners, LLC

27TH day of JULY, 2021

SECTION 1: **ADOPTION** "R-2021-0400" of the City Of West Allis
Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0400(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL JULY 13, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Ald. Tracy Stefanski	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of
West Allis



Dan Devine, Mayor City Of West Allis

